

STATE OF WISCONSIN

Senate Journal

Seventy-Seventh Session

THURSDAY, October 28, 1965.

9:00 o'clock A.M.

The senate met.

The president in the chair.

Prayer was offered by the Reverend Richard E. Pritchard of Westminster Presbyterian Church of Madison.

The roll was called and the following senators answered to their names:

Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leonard, Leverich, Lorge, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—30.

Absent—Senators Hollander and Lourigan—2.

Absent with leave—Senator Miller—1.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Administration
Bureau of Management
State Office Building
Madison, Wisconsin 53702

Mr. William P. Nugent
Chief Clerk
State Senate
Madison, Wisconsin 53702

Dear Mr. Nugent: The State Claims Commission is submitting a report to you in accordance with the provisions of

JOURNAL OF THE SENATE [Oct. 28, 1965]

Section 15.94 of the statutes covering claims heard by it on September 16, 1964, and October 6, 1964.

The two claims recommended for payment in this report are over \$500 and, therefore, have been presented to the Legislature in Bills 608, S, and 609, S, which would appropriate \$1,131.50 and \$1,298, respectively.

The Claims Commission will appreciate your acceptance of the report and the spreading of it upon the Journal in the 1965 session of the legislature to inform the members of the Senate as to the nature of the type of claims which comes before the Commission for its consideration.

Sincerely,

WAYNE F. MCGOWN,
Secretary,
State Claims Commission

October 26, 1965.

BEFORE THE CLAIMS COMMISSION OF WISCONSIN

Harrison Oil Company, Incorporated

A hearing was held at Madison, Wisconsin, on September 16, 1964, and on October 6, 1964, on the claim of the Harrison Oil Company, Incorporated, for \$3,225.00 for damages to its bulk storage tanks, caused by salt spray from an elevated expressway, in 1961-1963. The evidence is conflicting as to whether the tanks were treated with a proper primer coat of paint before the final coats and as to the extent of the damages attributable to salt from the expressway.

The Commission finds that damages of \$1,131.50 were caused by salt from the expressway and that on equitable principles the State should pay this amount of the claim.

Parker Herwig

A hearing was held at Madison, Wisconsin, on September 16, 1964, on the claim of Parker Herwig for \$2,847.00 for damages to his corn, rye and alfalfa in the years 1958 to 1960. The claimant owns substantial farm acreage bordering Goose Pond in the Towns of Arlington and Leeds, Columbia County. During the years in question the Conservation Commission attempted to maintain a game refuge in the area, including claimant's lands, and to prevent hunt-

JOURNAL OF THE SENATE [Oct. 28, 1965]

ing thereon during the normal fall hunting seasons for waterfowl. The claimant alleges that the enforcement of the rule establishing the refuge caused abnormal numbers of waterfowl to congregate in the vicinity of Goose Pond and to feed upon claimant's crops. The rule subsequently was held invalid in *State v. Herwig* (1962), 17 Wis. (2d) 442.

It is impossible to ascertain the exact amount of claimant's damages. Damage caused by waterfowl during the spring gives rise to no justifiable claim, and some of the claimant's losses were in the spring.

The Commission finds that damages of \$1,298.00 were suffered by claimant in the falls of the years involved and that on equitable principles the State should pay this amount of the claim.

Dated at Madison, Wisconsin, this 19th day of October, 1965.

WALTER G. HOLLANDER
Chairman, Senate
Committee on Finance.

WARREN D. EXO
Representative of
Commissioner of Administration.

E. WESTON WOOD
Representative of Attorney General.

The foregoing report of the Claims Commission was received and referred to the joint committee on Finance.

Ordered spread upon the journal.

EXECUTIVE COMMUNICATIONS

The State of Wisconsin
Executive Office
Madison 53702

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the senate, I hereby nominate and appoint Morris G. Oesterreich, of Milwaukee,

JOURNAL OF THE SENATE [Oct. 28, 1965]

a member of the Board of Veterans Affairs, to succeed Herbert C. Geittmann, for the term ending March 1, 1967.

Respectfully submitted,

WARREN P. KNOWLES,

Governor.

October 27, 1965.

The foregoing appointment by the Governor was considered at this time, upon motion of Senator Knowles, with unanimous consent.

The question was: Shall the appointment by the Governor of Morris G. Oesterreich, of Milwaukee, a member of the Board of Veterans Affairs, to succeed Herbert C. Geittmann for the term ending March 1, 1967, be confirmed?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopher-son, Dempsey, Dorman, Draheim, Hansen, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leonard, Leverich, Lorge, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—30.

Noes—None.

Absent or not voting—Senators Hollander, Lourigan and Miller—3.

So the appointment by the Governor was confirmed.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State.

Senate Bill	Chapter No.	Date Approved
160 -----	310 -----	October 27, 1965
514 -----	311 -----	October 27, 1965
238 -----	312 -----	October 27, 1965
231 -----	313 -----	October 27, 1965
79 -----	314 -----	October 27, 1965
82 -----	315 -----	October 27, 1965
246 -----	316 -----	October 27, 1965
447 -----	317 -----	October 27, 1965
292 -----	318 -----	October 27, 1965

JOURNAL OF THE SENATE [Oct. 28, 1965]

510 ----- 319 ----- October 27, 1965
360 ----- 320 ----- October 27, 1965

Respectfully submitted,

WARREN P. KNOWLES,

October 27, 1965.

Governor.

MESSAGE FROM THE ASSEMBLY

By James P. Buckley, chief clerk thereof.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in

Assembly Joint Resolution 131,

Assembly Joint Resolution 132 and

The action by which the assembly, upon motion of Assemblyman Ceci, pursuant to Joint Rule 26, has directed the Legislative Reference Bureau to prepare a suitable joint certificate of Congratulations to the Maple Tree 4-H Club on the occasion of its 7th annual Achievement Night, and has

Passed and asks concurrence in

Assembly Bill 63,

Assembly Bill 284,

Assembly Bill 351,

Assembly Bill 444,

Assembly Bill 522,

Assembly Bill 550 and

Assembly Bill 753 and has

Concurred in

Senate Bill 92,

Senate Bill 230,

Senate Bill 480,

Senate Bill 487,

Senate Bill 489 and

Senate Bill 506 and has

Nonconcurred in

Senate Joint Resolution 51

ASSEMBLY MESSAGE CONSIDERED

The assembly's action under Joint Rule 26 pursuant to motion of Assemblyman Ceci was concurred in upon motion of Senator Leonard.

JOURNAL OF THE SENATE [Oct. 28, 1965]

The senate's action was ordered immediately messaged to the assembly.

Assembly Joint Resolution 131

Relating to the life and public service of University of Wisconsin Vice-President, Alfred W. Peterson.

Was read.

The joint resolution was considered at this time, upon motion of Senator Knowles, with unanimous consent.

The joint resolution was concurred in.

Ordered immediately messaged to the assembly.

Assembly Joint Resolution 132

Was read.

Senator Benson secured unanimous consent to be listed as co-sponsor of the joint resolution.

The joint resolution was referred to calendar, upon motion of Senator Knowles, with unanimous consent.

Read first time and referred:

Assembly Bill 63,

Assembly Bill 284,

Assembly Bill 351,

Assembly Bill 444,

Assembly Bill 522,

Assembly Bill 550 and

Assembly Bill 753

Were referred to calendar, upon motion of Senator Knowles, with unanimous consent.

MOTION UNDER JOINT RULE 26

THE STATE OF WISCONSIN * * * CITATION BY THE LEGISLATURE

Know you by these presents:

Whereas, Dr. W. T. Clark of Janesville for 22 years gave outstanding public service to the people of Wisconsin as a member of the State Board of Health, a position to which he was first appointed by Governor Walter S. Goodland in 1943; and

Whereas, the fellow board members of the State Board of Health recognized the high qualifications of Dr. Clark by

JOURNAL OF THE SENATE [Oct. 28, 1965]

electing him vice president in 1959 and president in 1960, which latter position he held until July 1965; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Peter P. Carr and Jerris Leonard, under Joint Rule 26, express to Dr. W. T. Clark the gratitude of the people of Wisconsin for a life time of public service.

The Legislative Reference Bureau to prepare said certificate.

The foregoing motion was read and adopted.

Ordered immediately messaged to the assembly.

MOTION UNDER JOINT RULE 26

THE STATE OF WISCONSIN * * * CITATION BY THE LEGISLATURE

Know you by these presents:

Whereas, the Philip Malin family of Genoa has been awarded the Farmers Home Administration Award as Wisconsin Family of the Year in recognition of their outstanding human qualities evidenced by their remarkable success through their afmily teamwork and harmony in their home life; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Raymond C. Bice, co-sponsored by Assemblyman Bernard D. Lewison, under Joint Rule 26, commend and congratulate the Philip Malin family on their well deserved recognition and wish them continued success in their wonderful family cooperation.

The Legislative Reference Bureau to prepare said certificate.

The foregoing motion was read and adopted.

Ordered immediately messaged to the assembly.

Upon motion of Senator Knowles, with unanimous consent, the senate returned to the 9th order of business.

JOURNAL OF THE SENATE [Oct. 28, 1965]

EXECUTIVE COMMUNICATIONS

**The State of Wisconsin
Executive Office
Madison 53702**

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the Senate, I hereby nominate and appoint John Roche, of Rio, a member of the Coordinating Committee for Higher Education, to succeed Duane Smith, for the term ending September 30, 1966.

Respectfully submitted,

**WARREN P. KNOWLES,
Governor.**

October 27, 1965.

The foregoing appointment by the Governor was referred to the calendar, upon motion of Senator Knowles, with unanimous consent.

Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 10:00 o'clock this morning.

RECESS

10:00 o'clock A.M.

The senate was called to order by the president.

LEAVES OF ABSENCE

Senators Hollander and Roseleip were granted a leave of absence for today's session, upon motion of Senator Knowles with unanimous consent.

Senator Lourigan was granted a leave of absence for today's session, upon motion of Senator Zaborski with unanimous consent.

JOURNAL OF THE SENATE [Oct. 28, 1965]

MOTIONS

Assembly Bill 852

Senator Knowles asked unanimous consent that the bill be taken from tomorrow's calendar and considered at this time.

Senator McParland objected.

Assembly Bill 840 and

Assembly Bill 841

Were recalled from the committee on Conservation and referred to the committee on Highways, upon motion of Senator LaFave, with unanimous consent.

Senate Bill 591

The bill on the calendar of Thursday, October 21st was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Senate Bill 591

For the purpose of clarifying the allocation of the \$2 motor vehicle registration fee increase.

Read a second time.

Amendment 1, S. was adopted.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

The bill was read a third time and passed.

Senate Bill 592

The bill on the calendar of Thursday, October 21st was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Senate Bill 592

To repeal, renumber, amend, reenact and create various provisions of the statutes for the purpose of correcting titles of departments and officers, correcting and clarifying references, renumbering for better location and arrangement, eliminating duplications and unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals.

Read a second time.

The bill was ordered engrossed and read a third time.

JOURNAL OF THE SENATE [Oct. 28, 1965]

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

The bill was read a third time and passed.

Senate Bill 446

Relating to the dissolution of union high school districts.

The bill on tomorrow's calendar was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

Amendment 1, S. was adopted.

Amendment 2, S. was adopted.

Was ordered engrossed and read a third time.

The bill was referred to the joint committee on Finance, upon motion of Senator Benson, with unanimous consent.

Assembly Bill 565

Relating to field archaeology and providing penalties.

The bill on the calendar of Thursday, October 21st was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

The bill was read a third time and concurred in.

Senate Bill 348

The bill on the calendar of Friday, October 22nd was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Amendment No. 1, A. was concurred in.

Assembly Bill 919

Relating to filing requirements of certified copies of certified copies of certificate and plat of territory annexed to a city or village.

The bill on the calendar of Thursday, October 21st was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

The bill was read a third time and concurred in.

JOURNAL OF THE SENATE [Oct. 28, 1965]

Assembly Bill 849

Relating to vacancies on the board of control of cooperative educational service agencies and truancy reports.

The bill on the calendar of Thursday, October 28th was considered at this time, upon motion of Senator Lorge, with unanimous consent.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Was read a third time and concurred in.

Assembly Bill 68

Increasing from \$300 to \$500 the parental liability for the wanton acts of minor children.

On the calendar of Wednesday, October 20th was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Senator Knowles moved that the senate recede from its position on amendment No. 1, S.

The motion prevailed.

Senate Bill 585

Was recalled from the joint committee on Finance and considered at this time, upon motion of Senator Leonard, with unanimous consent.

Read a second time.

Substitute amendment No. 1, S. was adopted.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 585

Relating to scholarships for resident students in the University of Wisconsin, state colleges and vocational schools, the creating of statewide honor scholarships and making appropriations.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 4; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopher-son, Dempsey, Dorman, Draheim, Hansen, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leonard, Leverich,

JOURNAL OF THE SENATE [Oct. 28, 1965]

Lorge, McParland, Meunier, Panzer, Rasmusen, Risser, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—29.

Noes—None.

Absent or not voting—Senators Hollander, Lourigan, Miller and Roseleip—4.

So the bill passed.

Assembly Bill 923

Relating to time of notice of cancellation of fire insurance.

The bill on the calendar of Friday, October 22nd was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

The senate refused to non-oncur in the bill.

The bill was ordered to a third reading.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

The bill was read a third time and passed.

Assembly Joint Resolution 132

Senator Dorman asked unanimous consent that the joint resolution be taken from the calendar of Monday, November 1st and considered at this time.

Senator McParland objected.

Assembly Bill 324

Was recalled from the committee on Governmental and Veterans' Affairs and referred to the committee on Conservation, upon motion of Senator Krueger, with unanimous consent.

Assembly Bill 841

Senator LaFave asked unanimous consent that the bill be recalled from the committee on Highways and considered at this time.

Senator McParland objected.

Assembly Bill 994

Senator Lorge asked unanimous consent that the bill be taken from the calendar of Wednesday, October 20th and considered at this time.

Senator McParland objected.

JOURNAL OF THE SENATE [Oct. 28, 1965]

Senator Lorge moved that the bill be taken from the calendar of Wednesday, October 20th and considered at this time.

Senator McParland rose to a point of order that the motion required a two-thirds vote.

The president held that as the bill was on a by-passed calendar it had the same status as a bill that was laid aside temporarily and that the motion would require only a majority vote.

With unanimous consent, Senator Lorge withdrew his foregoing motion.

Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 2:00 o'clock this afternoon.

RECESS

2:00 o'clock P.M.

The senate was called to order by the president.

Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 2:30 o'clock this afternoon.

RECESS

2:30 o'clock P.M.

The senate was called to order by the president.

Upon motion of Senator Knowles, with unanimous consent, all measures on which final action had been taken at this morning's session and not individually messaged were ordered immediately messaged to the assembly.

JOURNAL OF THE SENATE [Oct. 28, 1965]

MOTIONS

Assembly Bill 852

Senator Knowles moved that the rules be suspended and the bill be taken from tomorrow's calendar and considered at this time.

Senator Kendziorski moved to amend the motion by Senator Knowles.

Senator Knowles rose to a point of order that the motion was not amendable.

The president ruled the point of order well taken.

Upon motion of Senator McParland, with unanimous consent, the senate recessed until 4:35 o'clock this afternoon.

RECESS

4:35 o'clock P.M.

The senate was called to order by the president.

Assembly Bill 852

The question was: Shall the rules be suspended and the bill be taken from tomorrow's calendar and considered at this time?

The ayes and noes were required and the vote was: ayes, 24; noes, 6; absent or not voting, 3; as follows:

Ayes—Senators Bice, Busby, Carr, Christopherson, Dorman, Draheim, Hansen, Hollander, Keppler, Knowles, Krueger, Leonard, Leverich, Lorge, Meunier, Panzer, Rasmusen, Risser, Schreiber, Smith, Sussman, Thompson, Warren and Zaborski—24.

Noes—Senators Benson, Dempsey, Kendziorski, LaFave, McParland and Schuele—6.

Absent or not voting—Senators Lourigan, Miller and Roseleip—3.

So the rules were suspended.

Assembly Bill 852

Redesignating the fair employment division of the industrial commission to be the equal opportunities division, prohibiting discrimination in housing and providing for relief

JOURNAL OF THE SENATE [Oct. 28, 1965]

therefrom, redefining public places of accommodation or amusement and granting rule-making authority.

Read a second time.

Amendment 5, S. was offered by Senators Smith, Warren and Leonard.

Assembly Bill 852

Senator Leonard moved that amendment 1, S. be rejected.

Amendment 6, S. was offered by Senator McParland.

Amendment 7, S. was offered by Senators McParland and Schuele.

Amendment 8, S. was offered by Senators McParland and Schuele.

Assembly Bill 852

The bill was made a Special Order for 9:00 o'clock tomorrow morning, upon motion of Senator Knowles, with unanimous consent.

GUESTS INTRODUCED

Senator Smith introduced Mr. Al Bechman from Wausau, Wisconsin.

On behalf of Senator Roseleip, Senator Knowles introduced 58 students, all of the 8th grade from New Glarus Junior High School and their teachers: Mr. Davis and Mrs. Specter, and Chaperones: Mrs. Meyer, Mrs. Durst and Mrs. Zentner.

Senator Sussman introduced Mr. Tom Parker from Kenosha, Wisconsin.

Upon motion of Senator Knowles, the senate adjourned until 9:00 o'clock, Friday morning, October 29th, 1965.

CHIEF CLERK'S REPORT

The chief clerk records
Senate Bill 288,

JOURNAL OF THE SENATE [Oct. 28, 1965]

Senate Bill 353,

Senate Bill 579,

Senate Bill 585 and

Senate Bill 591

Correctly engrossed on Thursday, October 28, 1965.